

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

400S0232

## HOUSE BILL NO. 1023

Introduced by: The Committee on Retirement Laws at the request of the South Dakota Retirement System

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding how South Dakota  
2 Retirement System survivor benefits and disability benefits are handled in regard to  
3 children.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 3-12-99.1 be amended to read as follows:

6 3-12-99.1. That portion of a disability allowance that is payable on account of children shall  
7 be eliminated as each child becomes ineligible pursuant to subdivision 3-12-47(14). However,  
8 that portion of a disability allowance that is payable on account of children shall increase if a  
9 disabled member gains an additional child who is eligible pursuant to subdivision 3-12-47(14).  
10 All other provisions in § 3-12-101 do not apply to members receiving a disability allowance  
11 pursuant to this chapter.

12 Section 2. That chapter 3-12 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 That portion of a family benefit that is payable on account of children pursuant to  
15 subdivision 3-12-95(1) shall be eliminated as each child becomes ineligible pursuant to



1 subdivision 3-12-47(14). The benefit shall be eliminated altogether when the youngest child  
2 becomes ineligible pursuant to subdivisions 3-12-47(14).

3 Section 3. That chapter 3-12 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 The conservator and custodian provisions of subdivision 3-12-95(2) and § 3-12-95.1  
6 notwithstanding, the benefit becomes payable directly to a child when the child reaches eighteen  
7 years of age. The benefit shall be eliminated when the child becomes ineligible pursuant to  
8 subdivision 3-12-47(14).